

February 11, 2010

Honorable Judge Cohill:

I am writing this letter with hope that I can explain a particularly sad chapter of my life. Maybe by trying to explain what I did it will start to make sense, or at least show you a little of why it made sense to me back then. I've been in custody for about 30 months now, and as much as I'd like to put this all behind me, it continues to be a profound embarrassment and ongoing source of shame in my life. I want very badly to move forward and somehow use my talent for good and rejoin the society I abandoned so many years ago. I'm honestly not sure exactly how that's going to pan out since I'll likely be in prison for many months and years to come, but I'm not going to give up.

Please don't mistake my upbeat demeanor as any reflection of how I view my crimes -- I am a naturally happy person. Soon after I agreed to the plea deal, my fiancé decided it would hurt too much to wait for me, and called off our engagement. I am homeless, I have no property or assets, not even my clothes. Just the colorful pajamas the U.S. Marshals have provided. Each day I wake up in a concrete cell and normal society is a distant memory. But despite it all, I find joy in what I have and I am thankful for my family and friends. I also don't mean to justify my behavior or minimize the seriousness of what I have done - as I try to explain what went through my head. I know very well I was wrong and I'm not trying to excuse what I did.

I'll start at the beginning. In 1998 I was a computer security consultant with a good reputation. I was hired by corporations to evaluate their security and implement defense technology such as firewalls and intrusion detection systems. I loved helping people, and I spent a large amount of time sharing my security research through a website I created called "WhiteHats." I created a freely available database of intrusion detection signatures called aracNIDS that many people in both the private sector and government used to improve their network security. I was working with the FBI's computer crimes division on a volunteer basis, advising them on new security technologies.

In mid-1998, I discovered a worm that was able to exploit a security hole that affected nearly every network on the internet. I advised the FBI about my idea to "proactively scan and patch" government and military networks -- but I didn't wait for their permission to get started. I modified the worm to cause it to download a security fix then launched it against all of the gov-

mil networks. I fixed 100's of machines but I had gone about it all wrong -- I had no right to fix other people's computers without their permission. My altruistic act was badly tarnished by another error in judgment which was that I had left a back door in the worm code which only I could access. To this day, I'm not sure why I left that back door open. I got carried away and greatly overstepped my bounds.

The Air Force Office of Special Investigations and the FBI came to me and I showed them everything I had done. Two years later I was indicted and self surrendered to prison to serve an 18-month sentence. As it says in the Criminal Complaint it was while in prison that I met Jeff Norminton. Jeff wanted me to help him hack a financial place so he could make millions. I had never committed such a crime and rejected the idea. I didn't want to ever break the law again -- but we continued to talk. He had built this idea that I could somehow tell him what to do so I wouldn't be the one doing it yet he could pay me to teach him. It didn't sink in that even this could be conspiracy. We each got out and I figured that was the last I'd hear of him.

After my release in 2002, I was homeless, staying on a friends couch. I couldn't get work and there were even newspaper articles about my unusual situation --how a highly skilled security expert with decades of experience couldn't find minimum wage work. Both myself and my girlfriend had bad dental problems. Neither of us could afford care and didn't have insurance. I did have the good sense to reach out to family for help -- at times I went to live with my mother who also took me to her dentist. Unfortunately a confluence of events led to a dark path. My girlfriend's tooth infection got worse and pain intensified, and when I'm at my most desperate, Jeff Norminton contacts me. He tells me he can fix all my problems -- provide a place to live, and provide the thousands of dollars needed for the dental work. All I had to do was meet him at a hotel and show him what to do. I went. I was desperate and felt like I was at the bottom, but I can see, from here, that I was nowhere close.

I was already reaching out to family -- if I had it to do over, I'd have done the same for my girlfriend, reached out to our friends, swallowed our pride, and been more patient and tried harder to find gainful employment. Once in the hotel room, I was like the invisible man. No one knew where I was and I could hack anonymously using wireless connections. I gave in to temptation and ego and instead of teaching, which is bad enough, I was soon at the keyboard. Jeff introduced me to the man providing the money, Chris Aragon, who ultimately is the one who turned me in

after he himself was caught. Aragon paid my bills, gave me places to live, and immediately paid for the dental emergency. I started in their debt and so had to hack to pay them back -- I say "had to" in the sense that it was the deal at the time. I know now I had many options.

At first I didn't really know what to do because I had never done financial crime so I started by hacking other people. I watched a lot of them, learned their methods, and started stealing their information and giving it to Aragon. My justification was that a crime was happening with the info, and I was just shifting it so instead of some random criminal doing it, it would be "my" criminal who would do it -- and he would pay my bills. I convinced myself I wasn't causing harm because a given credit card was about to be abused by someone regardless. Well, sadly, that part is true -- but it doesn't make it o.k. to be involved. I never wanted to hurt anyone. I had other justifications as well. I remember thinking credit wasn't money. It's just an abstract borrowed debt -- numbers in a system, not dollars in a pocket. I would never take from a person -- I find that despicable. I thought I was only causing an inconvenience. Turns out that the cardholder has to go through a terrible ordeal while the bank sorts it out. So my victimless robin hood fantasy was yet another self delusion. I was greedy, I guess. But more than that, I guess I wanted to keep it going. I was addicted to the lifestyle of being able to hack without limits or concerns for permission. I also lived in one of the most expensive cities in the country, San Francisco.

I've had a lifetime of technical experience that I have used to help people. Unfortunately, I started to play a supporting role in an online community of people who discussed (and committed) financial crime. Most of the people were involved in some aspect of identity theft and looking at it now I am unsure how to describe it. It was social. There were all these special interest groups who, instead of discussing auto mechanics or computer games, discussed credit card fraud and all its peripheral topics. Aragon and I decided to start our own forum online to put ourselves in the middle of the existing scene. We copied the layout and function of other forums such as Darkmarket, which was operated by the government, actually NCFTA in Pittsburgh. I wanted to call it "Sherwood Forest" but Aragon wanted "Carders Market" and he was the boss.

So I had built a web forum and ironically this was the first legal work I'd done in awhile and it felt really good. It was all technical -- programming and configuration and security. Even some graphic design. Though the forum held discussions

about crime, it was legal (as far as I knew) so long as no stolen data was posted or any commerce happened through the site. Don't get me wrong, I regret the whole thing and I truly wish I'd been on an entirely different path, but in a very narrow view of what I was doing, at least the creation of the forum was constructive technical experience. The effort was good, it was just for the benefit of the wrong people -- I was misdirected.

In the months before my arrest, I had turned the forum over to someone else and started to distance myself from that community. I was starting to look for legal work and I had an opportunity lined up. I remember thinking that the Secret Service must have rushed to get me quickly while I still had the computers that were used for crime, because they probably know I was clearly on my way out of this activity.

Since I've been in custody these past 30 months I have offered my expertise to the Government. This expertise is needed because there is still so much to be done to tighten the security of financial institutions.

I don't believe further prison time in my case will help anyone. I don't think it is necessary because all I want to do is help. I disagree with the blanket assessment of the sentencing guidelines. Unfortunately, I am facing such a horrible sentence that even 13 years seems "good" in comparison. But I assure you it is overkill as I am the proverbial dead horse. That said, I plan to make the most of the time I have left on this earth be it in prison or otherwise. I am a voracious reader and I intend to apply myself and earn a degree in the sciences, most likely physics or math. I will have to see what is available to me wherever I end up.

I have a lot of regrets, but I think my essential failing was that I lost touch with the accountability and responsibility that comes with being a member of society. A friend of mine once told me to behave as though everyone could see what I was doing all the time. A sure way to avoid engaging in illegal conduct, but I guess I wasn't a believer because when I was invisible, I forgot all about this advice. I know now that we can't be invisible, and that it's dangerous thinking.

Besides furthering my education, I have been offering my help to the government -- Homeland Security and the military or intelligence communities -- whoever can use me. I sincerely hope someone takes me up on my offer because I can do tremendous good and it seems a waste for me to be simply warehoused.

Max Butler

February 5, 2010

Honorable Maurice B. Cohill
Senior United States District Judge

Max Ray Butler is my son and a good person. I am proud of the many things he has done for good in his life. I believe he should be given a chance to make up for his actions by providing a service to our country. At the moment his best assets are knowledge of internet security. Max stole data from thieves who had already stolen it. Max always helps others in need without a second thought. There are countless times he has helped the innocent from harm on the internet and in day to day friendships. He is generous to a fault which usually leaves him with less. He is so sorry for the harm he inflicted on personal lives by his actions. He somehow justified the actions as being something he could do from afar without consequence to individuals. Please talk to him and get to know him. There is a great potential inside that young man and you might be the key to letting that potential benefit us all.

Please let the sentence be flexible so he can work with those who can best utilize his knowledge and abilities for good.

His mother's father was Max and my father's middle name was Ray. I am more than willing to assist Max in any way I can. My home will always be his home and I know his mother feels the same.

Thank you and best regards,
Robert C. Butler
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Ramona, CA 92065
(760) 788-7591

Tim Spencer
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Moscow, ID 83843

Feb 4, 2011

The Honorable Maurice B. Cohill
Senior Judge, United States District Court
c/o Michael Novara

Dear Judge Cohill,

I am a long time friend of Max Butler. I am writing this to try to help you understand Max better. I have been told that you will be passing his sentence soon, and I'm hoping that this letter will bring you a more complete understanding of Max, and thus be better able to pass an appropriate sentence.

I've known Max since High School. Back then, we all used to hang out together and talk about science fiction that we'd read, play chess, listen to music that we'd discovered (Idaho was somewhat lacking in culture where we grew up), and geek out with computers and writing a science newsletter. Later on, I helped him move to the Bay Area and through some friends, got him a job. I've given him a place to stay, hosted his websites, tried to help his marriage stay together while he was in prison, signed bail for him, gone to as many of his hearings as I can, and even put up my dream property as collateral to show my belief that he was not a flight risk. I've talked endlessly with him about computer security stuff, used his world-class network intrusion detection database system, recommended him professionally for penetration testing work, and boggled at the people who he knows in the computer security industry.

Max is a great guy. He is one of the nicest people you will ever meet. He doesn't have an evil bone in his body. His only real problem is that he is idealistic (in a positive way, believing that people will assume good intent), somewhat impulsive, and doesn't think things all the way through very well. Thus, he gets himself in trouble, because he sometimes sets off on a path, believing that he wasn't causing any harm, not really thinking about where it ends up. This is what keeps getting him into trouble. I am certain that he's never intended any harm to anybody. And he is a very trustable guy, too. He has never lied to me, and I've never had him go back on his word to me. He's a good guy.

However, it's clear that the path he's taken has led him to some pretty dark places recently. That said, I know that he didn't want to go that way. I saw him send out pleas to the security community after he got out of jail last time, asking for a job; any job. I gave him a bike so that he could ride from his halfway house to public transit and try to get a job locally. I gave him a laptop to give him a way to get back on the net and start making contacts. He really tried hard. But his prison record aced him out of all of the jobs that he was qualified for. And he and his new (at the time) girlfriend, Charity, were out of money. And he was out of options. So I believe he fell in with these cardersmarket people because they seemed the least bad choice. Pretty much all other options had been removed.

I know that he did not enjoy that period of his life. He withdrew a bit from us, and every time we'd have dinner with him, he'd listen to the computer security things that I was doing, and he'd wistfully say that he wished that he could get involved in the old security projects that he used to work on and do some positive things for the community again. I believe that if he'd had more time, he would have eventually been able to pull himself out of the situation he had gotten himself into, but clearly, it didn't happen.

So now Max is in front of you. I realize that it is easy to look at his record and believe that he is a bad guy. But I don't believe the record there is the real Max. I believe that he's been ill-used by the justice system. Max is not bad. In fact, I believe that if he were given a chance, he would LOVE to be given the opportunity to do positive work in the security community again. Clearly, he's been involved in some bad stuff recently. And that definitely deserves punishment. But if he were to have some good options instead of bad, I know he would be a force for good. It would be a shame to lose all that skill and passion to prison.

It seems like the best thing would be to give him a handler and work for the FBI or CIA or some group trying to crack the Russian mafia or other computer crime rings. I don't know how this could be arranged, but I know that I would certainly be willing to come forward and help out with that if it were a possibility. I don't travel in the high powered computer security circuits as Max did, but I do security work for Cisco Systems, and at least know the landscape.

Anyways, I believe in Max. He's a good person, and would love to put on the white hat again. I know he's gotten involved in some bad stuff, and that makes me sad, but I would hope that you'd look at him as a great security resource who would love to be on our side again. If it would help, I'm available any time to discuss Max. 415-806-0244 or tspencer@hungry.com. Thanks for your time.

Respectfully,

Tim Spencer

Lisa Lightcap
7416 N Newman Ave
Portland, OR 97203
(503) 705-1868

February 6, 2010

Honorable Maurice B. Cohill
Senior United States District Judge

Dear Judge Cohill,

My name is Lisa Lightcap and I'm Max Butler's sister. In spite of the illegal activity he was involved in, I am proud to call Max my brother. He is so much more than his crime; he is kind, caring, and generous, and would give the shirt off his back to help someone. He is both a great brother and friend. From the beginning when we were kids and he helped me navigate through my first day of kindergarten, to more recently when he rearranged his schedule so he could help me move heavy furniture when I needed a hand. He's always been there for me, and I'll do the same for him. Once released, he'll have my full support including a place to live for as long as he needs.

Please take into account his many positive qualities and technical knowledge. Max has highly sought after expertise that could be a great benefit to any government agency and society as a whole. I know he wants to contribute and make things right, and that he regrets his role in this crime. I hope you'll consider my thoughts and his potential when you make your decision regarding his future.

Thank you for your time.

Sincerely,


Lisa Lightcap

February 7, 2010

Honorable Maurice B. Cohill
Senior United States District Judge

Dear Judge Cohill,

Max Ray Butler is my son. He is a wonderful person in many ways and has a good heart. I am proud to be his mother and love him very much.

Max is a caring, giving person, always ready to help without being asked. For example, while he was visiting me, he noticed weeds in my front yard. He got right to work pulling those weeds, and despite my protests that he really didn't have to do it, he kept working until every last weed was gone.

In one instance when he was a child, he won some money. His first thought was to share his good fortune with friends. He used his winnings to buy snacks and invited his friends to our home to enjoy them. Sharing comes naturally to him, whether it is material or his time.

I was disappointed to learn about his computer crime, but I know Max has taken responsibility for what he did. His computer skills could be channeled into doing good things, possibly for protecting our national security.

Max and I have kept in touch with phone calls and letters. Even with his limited resources, he has given me so much. He sends articles that are on topics that interest me and has sent me home made birthday cards. They are not expensive, but are priceless to me.

I am hoping to visit with him frequently if his location is moved closer to the Northwest. I would be glad to have Max come live with me when he is released and will do all I can for him.

Sincerely,
Natalie Skorupsky
9507 NE 19th St.
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To the Honorable Maurice B. Cohill, Senior United States District Judge

Dear Mr. Cohill,

I am writing to you about Max Ray Butler. Max was my partner for over seven years. He is the kindest, sweetest, gentlest boy I have ever known.

When Max and I first got together, back in 2002, we were flat broke. Starving-student broke. Digging in couch cushions to find spare change to buy vegetables for dinner broke. I would send Max to the grocery store with seven dollars, and he would come back with zucchini and broccoli and noodles, and he would chop them up and cook them and bring me stir-fry at my desk, night after night. The only entertainment we could afford was baking cookies together. We both gained twenty pounds that year. Those were the best years of my life.

Max is generous to a fault. Even when we could not pay our bills, he was always giving our things away to anyone who expressed an interest or a need. If someone asked for his help, he'd drop what he was doing and help them for as long as they needed it. Sometimes longer. I learned to be very careful about what I asked Max for, because he would never, ever, ever say no. If I fell on my bike or got tired late at night, he'd call up a cab and come fetch me. If I was tired or stressed and couldn't sleep, he'd sit up for hours and pet me until I went to sleep.

I know Max has done some terrible things, but there's a surreality to all this, because he has the biggest and softest heart. He hurt people, but it was not because he was hard and cruel; it was because he played it like a game, because he failed to connect the dots between his actions and the real human and legal costs of those actions.

On the times when he did see people getting hurt, nobody was ever angrier or quicker to rush to their defense than Max.

Max will always be both friend and family to me. I love him dearly and miss him and would do anything to help him make amends for what he's done. As I know he desperately wants to do.

Thank you for considering Max and his life in this case.

Charity Majors

Dear Hon. Maurice B. Cohill:

I first met Max some years back by way of him being Charity's boyfriend. I immediately felt a kinship with Max the moment I met him. He's kind, generous, extremely intelligent, and curious--a model human being if I've ever met one.

I'm pretty sympathetic to his plight. I started tinkering with computers when I was 4, and programming when I was 7. There's a lot to learn--I read every computer manual I could find; tried everything I read. Once introduced to BBSes and then the internet, I poked around at everything there, too. There's no map... and I was fortunate to have friends who eventually steered me away from hacking (the bad kind, that is).

One thing is certain: nearly all of the top information security professionals today had a past that included that not-so-white-hat hacking. I grew up with and know a number of them--all very respected in their field; some of them have even founded security companies, later selling them for millions. It's a huge loss to the field and the world for Max to be in prison; everyone I've talked to agrees on that point.

The funny thing is: when Max and I hung out, despite our similar backgrounds, we never actually talked about hacking. His interests are pretty varied. Plenty of computer-related stuff, yeah--and it was clear from that that he's motivated purely by a thirst for knowledge. There are a lot of hackers out there who are motivated by money, crime--Max isn't one of them. I also know Charity well enough to know that she wouldn't date him otherwise!

Sincerely,

Tristan Horn